

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CS METALS OF LOUISIANA LLC

ST. JAMES PARISH

Agency Interest No. 32814

PROCEEDINGS UNDER THE LOUISIANA

ENVIRONMENTAL QUALITY ACT

LA. R.S. 30:2001, ET SEQ.

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Enforcement Tracking No.

WE-CN-03-0319

WE-CN-03-0319A&B

RMPE-CN-01-0007

HE-O-00-0653

HE-PP-03-0099

SETTLEMENT

The following Settlement is hereby agreed to between CS Metals of Louisiana LLC (“Respondent” or “CS Metals”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I.

Respondent is a Limited Liability Company who owns and operates a specialty metals manufacturing facility located at 7591 La. Highway 3214 in Convent, St. James Parish, Louisiana (the “Facility”). The Respondent was issued Louisiana Pollutant Discharge Elimination System (“LPDES”) permit LA0110931, effective May 19, 2000, which was modified on December 5, 2002. LPDES permit LA0110931 will expire on May 18, 2005. The Respondent is authorized to discharge certain quantities and/or qualities of wastewater into the Mississippi River and stormwater into the Blind River, both waters of the state. The Respondent also owns and operates a hazardous waste storage facility located at the aforementioned address above. The

Respondent's hazardous waste storage facility operates under "Interim Status" and bears EPA identification number LAR 000032789.

II.

The Respondent was issued the following enforcement actions:

A. The Respondent was issued Consolidated Compliance Order and Notice of Potential Penalty ("CO/NOPP") Number WE-CN-03-0319 on or about August 29, 2003, pursuant to an inspection conducted by the Department of the Respondent's facility on or about September 9, 2002, in which the Department made the following Finding of Fact: That there was no certified thermometer for the automatic sampler at Outfall 001. Failure to follow approved methods is in violation of LPDES Permit LA0110931 (Part III, Section A.2 and C.5.a), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2355.A and LAC 33:IX2355.J.5.

B. The Respondent was issued CO/NOPP WE-CN-03-0319A on or about February 23, 2004 and WE-CN-03-0319B on or about May 26, 2004, in which the Department made the following Findings of Fact: File reviews conducted by the Department on or about August 26, 2003, January 27, 2004, and May 18, 2004, revealing the following effluent limit violations, as reported by the Respondent on Discharge Monitoring Reports (DMRs):

| Date | Outfall | Parameter | Permit Limit | Sample Value |
|---------|---------|------------------------------|--------------|--------------|
| 06/2000 | 001 | pH Minimum | 7.5 SU | 6.65 SU |
| 06/2000 | 001 | Total Iron Monthly Average | 3.6 lbs/day | 5.16 lbs/day |
| 06/2000 | 002 | Oil and Grease Daily Maximum | 15 mg/L | 35.9 mg/L |
| 07/2000 | 001 | pH Minimum | 7.5 SU | 6.953 SU |
| 07/2000 | 001 | pH Maximum | 10.0 SU | 10.18 SU |
| 07/2000 | 001 | Total Iron Monthly Average | 3.6 lbs/day | 4.39 lbs/day |

| Date | Outfall | Parameter | Permit Limit | Sample Value |
|---------|---------|------------------------------|--------------|----------------|
| 07/2000 | 002 | Oil and Grease Daily Maximum | 15 mg/L | 47.90 mg/L |
| 08/2000 | 001 | TSS Daily Maximum | 88.7 lbs/day | 94.52 lbs/day |
| 08/2000 | 001 | Total Nickel Daily Maximum | 3.2 lbs/day | 5.31 lbs/day |
| 08/2000 | 001 | Toluene Daily Maximum | 0.44 lbs/day | 0.51 lbs/day |
| 09/2000 | 001 | pH Maximum | 10.0 SU | 10.193 SU |
| 09/2000 | 001 | TSS Monthly Average | 70.9 lbs/day | 103.11 lbs/day |
| 09/2000 | 001 | TSS Daily Maximum | 88.7 lbs/day | 197.56 lbs/day |
| 09/2000 | 001 | Total Iron Monthly Average | 3.6 lbs/day | 8.43 lbs/day |
| 09/2000 | 001 | Total Iron Daily Maximum | 7.1 lbs/day | 27.87 lbs/day |
| 09/2000 | 002 | Oil and Grease Daily Maximum | 15 mg/L | 17.5 mg/L |
| 09/2000 | 003 | pH Maximum | 9.0 SU | 9.57 SU |
| 10/2000 | 001 | pH Minimum | 7.5 SU | 6.913 SU |
| 10/2000 | 001 | pH Maximum | 10.0 SU | 11.328 SU |
| 10/2000 | 001 | TSS Monthly Average | 70.9 lbs/day | 177.50 lbs/day |
| 10/2000 | 001 | TSS Daily Maximum | 88.7 lbs/day | 286.56 lbs/day |
| 10/2000 | 001 | Total Iron Monthly Average | 3.6 lbs/day | 22.89 lbs/day |
| 10/2000 | 001 | Total Iron Daily Maximum | 7.1 lbs/day | 33.53 lbs/day |
| 10/2000 | 001 | Toluene Daily Maximum | 0.44 lbs/day | 0.85 lbs/day |
| 11/2000 | 001 | TSS Monthly Average | 70.9 lbs/day | 80.16 lbs/day |
| 11/2000 | 001 | TSS Daily Maximum | 88.7 lbs/day | 111.09 lbs/day |
| 11/2000 | 001 | Total Iron Monthly Average | 3.6 lbs/day | 4.19 lbs/day |
| 11/2000 | 001 | Total Iron Daily Maximum | 7.1 lbs/day | 11.07 lbs/day |
| 12/2000 | 001 | pH Minimum | 7.5 SU | 6.761 SU |
| 12/2000 | 001 | pH Maximum | 10.0 SU | 10.367 SU |
| 12/2000 | 001 | TSS Monthly Average | 70.9 lbs/day | 144.78 lbs/day |
| 12/2000 | 001 | TSS Daily Maximum | 88.7 lbs/day | 257.35 lbs/day |
| 12/2000 | 001 | Total Arsenic Daily Maximum | 8.2 lbs/day | 11.08 lbs/day |
| 12/2000 | 001 | Total Iron Daily Maximum | 7.1 lbs/day | 7.86 lbs/day |
| 12/2000 | 001 | Total Nickel Monthly Average | 2.2 lbs/day | 3.42 lbs/day |
| 12/2000 | 001 | Total Nickel Daily Maximum | 3.2 lbs/day | 4.78 lbs/day |
| 12/2000 | 102 | TSS Weekly Average | 45 mg/L | 64 mg/L |
| 01/2001 | 001 | pH Minimum | 7.5 SU | 5.86 SU |
| 01/2001 | 001 | pH Maximum | 10.0 SU | 10.10 SU |
| 01/2001 | 001 | TSS Monthly Average | 70.9 lbs/day | 190.24 lbs/day |
| 01/2001 | 001 | TSS Daily Maximum | 88.7 lbs/day | 466.48 lbs/day |
| 01/2001 | 001 | Total Nickel Monthly Average | 2.2 lbs/day | 2.65 lbs/day |
| 01/2001 | 001 | Total Nickel Daily Maximum | 3.2 lbs/day | 5.94 lbs/day |
| 01/2001 | 001 | Toluene Daily Maximum | 0.44 lbs/day | 0.55 lbs/day |
| 02/2001 | 001 | pH Minimum | 7.5 SU | 6.454 lbs/day |

| Date | Outfall | Parameter | Permit Limit | Sample Value |
|---------|---------|--------------------------------|--------------|-----------------|
| 02/2001 | 001 | TSS Monthly Average | 70.9 lbs/day | 231 lbs/day |
| 02/2001 | 001 | TSS Daily Maximum | 88.7 lbs/day | 269 lbs/day |
| 02/2001 | 001 | Total Nickel Daily Maximum | 3.2 lbs/day | 6.16 lbs/day |
| 02/2001 | 002 | pH Maximum | 9.0 SU | 9.172 SU |
| 03/2001 | 001 | TSS Monthly Average | 70.9 lbs/day | 302.17 lbs/day |
| 03/2001 | 001 | TSS Daily Maximum | 88.7 lbs/day | 539.12 lbs/day |
| 03/2001 | 001 | Oil and Grease Daily Maximum | 66.7 lbs/day | 133.73 lbs/day |
| 03/2001 | 001 | Total Chromium Monthly Average | 0.9 lbs/day | 1.53 lbs/day |
| 03/2001 | 001 | Total Chromium Daily Maximum | 2.2 lbs/day | 3.16 lbs/day |
| 03/2001 | 001 | Total Nickel Monthly Average | 2.2 lbs/day | 4.95 lbs/day |
| 03/2001 | 001 | Total Nickel Daily Maximum | 3.2 lbs/day | 12.66 lbs/day |
| 03/2001 | 003 | Total Molybdenum Daily Maximum | Report | No Result |
| 03/2001 | 003 | Total Nickel Daily Maximum | Report | No Result |
| 04/2001 | 001 | TSS Monthly Average | 70.9 lbs/day | 416.82 lbs/day |
| 04/2001 | 001 | TSS Daily Maximum | 88.7 lbs/day | 856.22 lbs/day |
| 04/2001 | 001 | Oil and Grease Daily Maximum | 66.7 lbs/day | 84.69 lbs/day |
| 05/2001 | 001 | pH Minimum | 7.5 SU | 6.6 SU |
| 05/2001 | 001 | TSS Monthly Average | 70.9 lbs/day | 532.22 lbs/day |
| 05/2001 | 001 | TSS Daily Maximum | 88.7 lbs/day | 1038.67 lbs/day |
| 06/2001 | 001 | TSS Monthly Average | 70.9 lbs/day | 288.85 lbs/day |
| 06/2001 | 001 | TSS Daily Maximum | 88.7 lbs/day | 395.44 lbs/day |
| 06/2001 | 001 | Toluene Daily Maximum | 0.44 lbs/day | 2.16 lbs/day |
| 07/2001 | 001 | pH Minimum | 7.5 SU | 6.1 SU |
| 07/2001 | 001 | TSS Monthly Average | 70.9 lbs/day | 129.61 lbs/day |
| 07/2001 | 001 | TSS Daily Maximum | 88.7 lbs/day | 167.64 lbs/day |
| 07/2001 | 001 | Oil and Grease Daily Maximum | 66.7 lbs/day | 68.98 lbs/day |
| 08/2001 | 001 | TSS Monthly Average | 70.9 lbs/day | 195.21 lbs/day |
| 08/2001 | 001 | TSS Daily Maximum | 88.7 lbs/day | 436.20 lbs/day |
| 08/2001 | 001 | Oil and Grease Daily Maximum | 66.7 lbs/day | 131.37 lbs/day |
| 08/2001 | 001 | Total Arsenic Monthly Average | 3.7 lbs/day | 5.92 lbs/day |
| 09/2001 | 001 | pH Minimum | 7.5 SU | 3.961 SU |
| 09/2001 | 001 | pH Maximum | 10.0 SU | 13.314 SU |
| 09/2001 | 001 | TSS Monthly Average | 70.9 lbs/day | 166.36 lbs/day |
| 09/2001 | 001 | TSS Daily Maximum | 88.7 lbs/day | 322.32 lbs/day |
| 10/2001 | 001 | pH Minimum | 7.5 SU | 3.96 SU |
| 10/2001 | 001 | pH Maximum | 10.0 SU | 13.29 SU |
| 10/2001 | 001 | TSS Monthly Average | 70.9 lbs/day | 150.88 lbs/day |
| 10/2001 | 001 | TSS Daily Maximum | 88.7 lbs/day | 360.92 lbs/day |
| Date | Outfall | Parameter | Permit Limit | Sample Value |

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|-------------|----------------|----------------------------------|---------------------|---------------------|
| 11/2001 | 001 | TSS Monthly Average | 70.9 lbs/day | 137.34 lbs/day |
| 11/2001 | 001 | TSS Daily Maximum | 88.7 lbs/day | 159.51 lbs/day |
| 11/2001 | 001 | Total Arsenic Monthly Average | 3.7 lbs/day | 4.42 lbs/day |
| 11/2001 | 001 | Total Iron Monthly Average | 3.6 lbs/day | 6.14 lbs/day |
| 11/2001 | 001 | Total Lead Monthly Average | 0.8 lbs/day | 1.02 lbs/day |
| 12/2001 | 001 | pH Minimum | 7.5 SU | 3.2 SU |
| 12/2001 | 001 | pH Maximum | 10.0 SU | 10.1 SU |
| 12/2001 | 001 | TSS Monthly Average | 70.9 lbs/day | 95.13 lbs/day |
| 12/2001 | 001 | TSS Daily Maximum | 88.7 lbs/day | 142.04 lbs/day |
| 12/2001 | 002 | pH Minimum | 6.0 SU | 5.29 SU |
| 12/2001 | 102 | TSS Weekly Average | 45 mg/L | 47 mg/L |
| 01/2002 | 001 | pH Minimum | 7.5 SU | 3.923 SU |
| 01/2002 | 001 | pH Maximum | 10.0 SU | 13.32 SU |
| 01/2002 | 001 | TSS Monthly Average | 70.9 lbs/day | 109.94 lbs/day |
| 01/2002 | 001 | TSS Daily Maximum | 88.7 lbs/day | 297.05 lbs/day |
| 02/2002 | 001 | TSS Monthly Average | 70.9 lbs/day | 180.24 lbs/day |
| 02/2002 | 001 | TSS Daily Maximum | 88.7 lbs/day | 216.73 lbs/day |
| 03/2002 | 001 | pH Minimum | 7.5 SU | 6.993 SU |
| 03/2002 | 001 | TSS Monthly Average | 70.9 lbs/day | 313.99 lbs/day |
| 03/2002 | 001 | TSS Daily Maximum | 88.7 lbs/day | 805.43 lbs/day |
| 03/2002 | 001 | Ammonia-Nitrogen Monthly Average | 1076 lbs/day | 1247.45 lbs/day |
| 03/2002 | 001 | Total Nickel Monthly Average | 2.2 lbs/day | 5.16 lbs/day |
| 03/2002 | 001 | Total Nickel Daily Maximum | 3.2 lbs/day | 10.52 lbs/day |
| 03/2002 | 102 | Fecal Coliform Weekly Average | 400 col/100 ml | 3220.5 col/100 ml |
| 03/2002 | 102 | TSS Weekly Average | 45 mg/L | 84 mg/L |
| 04/2002 | 001 | TSS Monthly Average | 70.9 lbs/day | 74.91 lbs/day |
| 04/2002 | 001 | TSS Daily Maximum | 88.7 lbs/day | 141.02 lbs/day |
| 05/2002 | 001 | TSS Monthly Average | 70.9 lbs/day | 171.63 lbs/day |
| 05/2002 | 001 | TSS Daily Maximum | 88.7 lbs/day | 406.13 lbs/day |
| 05/2002 | 001 | Total Arsenic Monthly Average | 3.7 lbs/day | 4.71 lbs/day |
| 05/2002 | 001 | Toluene Daily Maximum | 0.44 lbs/day | 0.46 lbs/day |
| 06/2002 | 001 | pH Minimum | 7.5 SU | 3.935 SU |
| 06/2002 | 001 | pH Maximum | 10.0 SU | 10.49 SU |
| 06/2002 | 001 | TSS Daily Maximum | 88.7 lbs/day | 101.33 lbs/day |
| 07/2002 | 001 | pH Minimum | 7.5 SU | 5.597 SU |
| 07/2002 | 001 | TSS Monthly Average | 70.9 lbs/day | 109.67 lbs/day |
| 07/2002 | 001 | TSS Daily Maximum | 88.7 lbs/day | 171.12 lbs/day |
| 07/2002 | 001 | Oil and Grease Daily Maximum | 66.7 lbs/day | 199.57 lbs/day |
| 07/2002 | 001 | Ammonia-Nitrogen Monthly Average | 1076 lbs/day | 1600.83 lbs/day |
| Date | Outfall | Parameter | Permit Limit | Sample Value |
| 07/2002 | 001 | Total Arsenic Monthly Average | 3.7 lbs/day | 4.27 lbs/day |

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|-------------|----------------|----------------------------------|---------------------|---------------------|
| 08/2002 | 001 | pH Minimum | 7.5 SU | 7.25 SU |
| 08/2002 | 001 | TSS Monthly Average | 70.9 lbs/day | 110.76 lbs/day |
| | | | | |
| 08/2002 | 001 | TSS Daily Maximum | 88.7 lbs/day | 178.64 lbs/day |
| 08/2002 | 001 | Ammonia-Nitrogen Monthly Average | 1076 lbs/day | 1718.98 lbs/day |
| 08/2002 | 001 | Ammonia-Nitrogen Daily Maximum | 2448 lbs/day | 3231.5 lbs/day |
| 08/2002 | 001 | Total Arsenic Monthly Average | 3.7 lbs/day | 4.07 lbs/day |
| 09/2002 | 001 | TSS Monthly Average | 70.9 lbs/day | 175.25 lbs/day |
| 09/2002 | 001 | TSS Daily Maximum | 88.7 lbs/day | 262.51 lbs/day |
| 09/2002 | 001 | Oil and Grease Daily Maximum | 66.7 lbs/day | 91.48 lbs/day |
| 09/2002 | 001 | Ammonia-Nitrogen Monthly Average | 1076 lbs/day | 1203.04 lbs/day |
| 09/2002 | 001 | Total Arsenic Monthly Average | 3.7 lbs/day | 4.69 lbs/day |
| 09/2002 | 002 | TOC Daily Maximum | 50 mg/L | 64.4 mg/L |
| 10/2002 | 001 | TSS Monthly Average | 70.9 lbs/day | 116.76 lbs/day |
| 10/2002 | 001 | TSS Daily Maximum | 88.7 lbs/day | 164.07 lbs/day |
| 10/2002 | 001 | Total Arsenic Monthly Average | 3.7 lbs/day | 5.08 lbs/day |
| 10/2002 | 001 | Total Nickel Monthly Average | 2.2 lbs/day | 2.85 lbs/day |
| 10/2002 | 001 | Total Nickel Daily Maximum | 3.2 lbs/day | 4.04 lbs/day |
| 11/2002 | 001 | pH Minimum | 7.5 SU | No Result |
| 11/2002 | 001 | pH Maximum | 10.0 SU | No Result |
| 11/2002 | 001 | TSS Monthly Average | 70.9 lbs/day | 83.02 lbs/day |
| 11/2002 | 001 | TSS Daily Maximum | 88.7 lbs/day | 131.34 lbs/day |
| 12/2002 | 001 | TSS Monthly Average | 70.9 lbs/day | 194.78 lbs/day |
| 12/2002 | 001 | TSS Daily Maximum | 88.7 lbs/day | 296.14 lbs/day |
| 12/2002 | 001 | Ammonia-Nitrogen Monthly Average | 1076 lbs/day | 2025.75 lbs/day |
| 12/2002 | 001 | Ammonia-Nitrogen Daily Maximum | 2448 lbs/day | 5397.22 lbs/day |
| 12/2002 | 001 | Total Arsenic Monthly Average | 3.7 lbs/day | 10.71 lbs/day |
| 12/2002 | 001 | Toluene Daily Maximum | 0.44 lbs/day | 0.47 lbs/day |
| 01/2003 | 001 | TSS Monthly Average | 70.9 lbs/day | 370.76 lbs/day |
| 01/2003 | 001 | TSS Daily Maximum | 88.7 lbs/day | 1027.39 lbs/day |
| 01/2003 | 001 | Total Nickel Monthly Average | 2.2 lbs/day | 2.7 lbs/day |
| 01/2003 | 001 | Total Nickel Daily Maximum | 3.2 lbs/day | 3.63 lbs/day |
| 02/2003 | 001 | Total Nickel Monthly Average | 2.2 lbs/day | 2.95 lbs/day |
| 02/2003 | 001 | Total Nickel Daily Maximum | 3.2 lbs/day | 9.62 lbs/day |
| 02/2003 | 001 | Toluene Daily Maximum | 0.44 lbs/day | 0.59 lbs/day |
| Date | Outfall | Parameter | Permit Limit | Sample Value |
| 03/2003 | 001 | TSS Daily Maximum | 88.7 lbs/day | 95.75 lbs/day |
| 03/2003 | 001 | Total Arsenic Monthly Average | 3.7 lbs/day | 3.78 lbs/day |

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|-------------|----------------|------------------------------|---------------------|---------------------|
| 04/2003 | 001 | TSS Monthly Average | 70.9 lbs/day | 119.33 lbs/day |
| 04/2003 | 001 | TSS Daily Maximum | 88.7 lbs/day | 220.79 lbs/day |
| 04/2003 | 001 | Total Nickel Monthly Average | 2.2 lbs/day | 3.0 lbs/day |
| 04/2003 | 001 | Total Nickel Daily Maximum | 3.2 lbs/day | 7.6 lbs/day |
| 04/2003 | 001 | Toluene Daily Maximum | 0.44 lbs/day | 4.26 lbs/day |
| 05/2003 | 001 | TSS Monthly Average | 70.9 lbs/day | 84.81 lbs/day |
| 05/2003 | 001 | TSS Daily Maximum | 88.7 lbs/day | 152.28 lbs/day |
| 06/2003 | 001 | TSS Monthly Average | 70.9 lbs/day | 90.45 lbs/day |
| 06/2003 | 001 | TSS Daily Maximum | 88.7 lbs/day | 116.51 lbs/day |
| 06/2003 | 001 | Total Nickel Monthly Average | 2.2 lbs/day | 2.35 lbs/day |
| 06/2003 | 001 | Total Nickel Daily Maximum | 3.2 lbs/day | 3.72 lbs/day |
| 06/2003 | 003 | pH Minimum | 6.0 SU | No Result |
| 07/2003 | 001 | TSS Monthly Average | 70.9 lbs/day | 169.8 lbs/day |
| 07/2003 | 001 | TSS Daily Maximum | 88.7 lbs/day | 474.81 lbs/day |
| 07/2003 | 001 | Oil and Grease Daily Maximum | 66.7 lbs/day | 79.10 lbs/day |
| 07/2003 | 001 | TOC Daily Maximum | 333.4 lbs/day | 425.93 lbs/day |
| 07/2003 | 001 | Total Nickel Monthly Average | 2.2 lbs/day | 4.98 lbs/day |
| 07/2003 | 001 | Total Nickel Daily Maximum | 3.2 lbs/day | 14.21 lbs/day |
| 08/2003 | 001 | TSS Monthly Average | 70.9 lbs/day | 162.53 lbs/day |
| 08/2003 | 001 | TSS Daily Maximum | 88.7 lbs/day | 411.09 lbs/day |
| 08/2003 | 001 | TOC Daily Maximum | 333.4 lbs/day | 543.83 lbs/day |
| 08/2003 | 002 | Oil and Grease Daily Maximum | 15 mg/L | 233.5 mg/L |
| 09/2003 | 001 | TOC Daily Maximum | 333.4 lbs/day | 384.92 lbs/day |
| 10/2003 | 001 | TSS Monthly Average | 70.9 lbs/day | 81.69 lbs/day |
| 10/2003 | 001 | TSS Daily Maximum | 88.7 lbs/day | 106.40 lbs/day |
| 11/2003 | 001 | TSS Monthly Average | 70.9 lbs/day | 323.77 lbs/day |
| 11/2003 | 001 | TSS Daily Maximum | 88.7 lbs/day | 1034.13 lbs/day |
| 11/2003 | 001 | Total Nickel Daily Maximum | 3.2 lbs/day | 3.43 lbs/day |
| 12/2003 | 001 | TSS Monthly Average | 70.9 lbs/day | 74.5 lbs/day |
| 12/2003 | 001 | TSS Daily Maximum | 88.7 lbs/day | 119.64 lbs/day |
| 12/2003 | 001 | TOC Daily Maximum | 333.4 lbs/day | 374.16 lbs/day |
| 12/2003 | 001 | Total Nickel Monthly Average | 2.2 lbs/day | 2.22 lbs/day |
| 12/2003 | 001 | Total Nickel Daily Maximum | 3.2 lbs/day | 7.97 lbs/day |
| 01/2004 | 001 | TSS Monthly Average | 70.9 lbs/day | 127.76 lbs/day |
| 01/2004 | 001 | TSS Daily Maximum | 88.7 lbs/day | 312.02 lbs/day |
| 01/2004 | 001 | Total Iron Monthly Average | 3.6 lbs/day | 4.13 lbs/day |
| 01/2004 | 001 | Total Iron Daily Maximum | 7.1 lbs/day | 11.71 lbs/day |
| 02/2004 | 001 | TSS Monthly Average | 70.9 lbs/day | 135.68 lbs/day |
| 02/2004 | 001 | TSS Daily Maximum | 88.7 lbs/day | 350.93 lbs/day |
| Date | Outfall | Parameter | Permit Limit | Sample Value |
| 02/2004 | 001 | Total Nickel Monthly Average | 2.2 lbs/day | 2.28 lbs/day |
| 02/2004 | 001 | Total Nickel Daily Maximum | 3.2 lbs/day | 4.62 lbs/day |
| 03/2004 | 001 | TSS Daily Maximum | 88.7 lbs/day | 149.90 lbs/day |

Each effluent violation constitutes a violation of LPDES permit LA0110931 (Part I, Pages 2, 4, and 5, and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

A file review conducted by the Department on or about January 29, 2004, revealed the Respondent failed to submit properly completed DMRs. Based on that file review, the Department made the following Findings of Fact: The Respondent failed to submit sample results on the quarterly DMR for Outfall 003 for the period of March to May 2003. The Respondent also failed to submit a signed DMR for November 2003 in a timely manner. The Respondent's failure to submit complete DMRs is in violation of LPDES permit LA0110931 (Part II, Section A.10, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.K.1, and LAC 33:IX.2355.L.4.a.

The file review conducted by the Department on or about May 18, 2004, also showed that the Respondent failed to submit properly completed DMRs. Based on that file review, the Department made the following Findings of Fact: The Respondent's February 2004 DMR for Outfall 002 listed the monitoring period as January instead of February. Also, the quarterly DMR for Outfall 003 for the period of December 2003 to February 2004 was incorrectly dated as December 2003 to May 2004. The Respondent's failure to submit properly completed DMRs is in violation of LPDES permit LA0110931 (Part II, Section A.10, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.K.1, and LAC 33:IX.2355.L.4.a.

C. The Respondent was issued CO/NOPP Number RMPE-CN-01-0007 on or about September 21, 2001. The Department conducted a Risk Management Plan (RMP) audit of the

Respondent's facility on or about February 6-8, 2001, in which the Department made the following Findings of Fact:

1. Respondent failed to have safe upper and lower limits for the technology of the process, in violation of 40 CFR 68.65(c)(1)(iv), LAC 33:III.5901.A, and La R.S. 30:2057(A)(2);
2. Respondent did not have an evaluation of consequences of deviations for the technology of the process, in violation of 40 CFR 68.65(c)(1)(v), LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2);
3. Respondent failed to include consequences of deviations in the operating procedures, in violation of 40 CFR 68.69(a)(2)(i), LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2);
4. Respondent failed to include steps required to avoid or correct deviations in operating procedures, in violations of 40 CFR 68.69(a)(2)(ii), LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2);
5. Respondent failed to establish and implement written procedures to maintain the on-going integrity of process equipment, in violation of 40 CFR 68.73(b), LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2);
6. Respondent failed to train each employee involved in ongoing integrity of process equipment, in violation of 40 CFR 68.73(c), LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2);
7. Respondent failed to ensure that the frequency of inspections and tests were consistent with manufacturer's recommendations, good engineering practices and

prior operating experience, in violation of 40 CFR 68.73(d)(3), LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2);

8. Respondent failed to ensure that modifications to the operating procedures were addressed prior to any change requiring a Management of Change (MOC), in violation of 40 CFR 68.75(b)(3), LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2);
9. Respondent failed to ensure that the necessary time period for a change was addressed prior to any change requiring an MOC, in violation of 40 CFR 68.75(b)(4), LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2);
10. Respondent failed to assign a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements, in violation of 40 CFR 68.15(b), LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2);
11. Respondent failed to document other persons responsible for implementing individual requirements of the risk management program and define the lines of authority through an organizational chart or similar document, in violation of 40 CFR 68.15(c), LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2).

D. The Respondent was issued Administrative Order Number HE-O-00-0653 on or about July 6, 2001. This order was issued on consent between the Respondent and the Department pursuant to negotiations between the parties. The Administrative Order was based on inspections of the Respondent's facility conducted by the Department on or about April 6, June 1, June 13, August 3, and December 6, 2000 that are the basis for the following Findings of Fact by the Department:

1. Respondent failed to maintain the level of stored hazardous waste within the containment wall of a containment building so that the height of any container wall is not exceeded, in violation of LAC 33:V.4703.C.1.b.
2. Respondent failed to comply with containment building controls and practices requiring that, at a minimum, the primary barrier must be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier, in violation of LAC 33:V.4703.C.1.a.
3. Respondent failed to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, as specified by LAC 33:V.1511.F, in violation of LAC 33:V.4333.

E. The Respondent was issued NOPP Number HE-PP-03-0099 on or about June 10, 2003, pursuant to a letter from the Respondent received by the Department on April 17, 2003 that documented a land disposal restriction incident in violation of the Act. According to the Respondent, on April 2 and 4, the Respondent shipped two (2) roll-off boxes of RCRA listed hazardous waste (manifest numbers: LAA6716156 and LAA6691180, waste codes: K171, K172, D004, D007), classified as “Miscellaneous Process Solids”, to Chemical Waste Management (CWMI) at Carlyss, Louisiana. The waste was stabilized and landfilled without treatment in accordance with established CWMI procedures. On or about April 14, 2003, the Respondent discovered that the waste sent to CWMI on manifests LAA 6716156 and LAA6691180 should have been classified as “Catalyst Process Solids”, a waste stream that carries the same RCRA waste codes but historically has higher toluene concentrations. The universal treatment standard

for toluene contained in K171 and K172 waste must be met before the waste is land disposed. Toluene has a treatment standard of 10 parts per million. The toluene concentration for the waste sent to CWMI for land disposal on manifests LAA6716156 and LAA6691180 was 88 parts per million, and thus prohibited from land disposal without prior treatment. The Department found that Respondent failed to send two (2) loads of land disposal prohibited refinery waste, Catalyst Process Solids, for treatment of the underlying constituent toluene prior to land disposal, in violation of LAC 33:V.2218.

III.

In response to each Consolidated Compliance Order and Notice of Potential Penalty referred to herein, the Respondent made a timely request for a hearing.

IV.

As a result of inspections by the Department on December 6, 2000, November 27, 2001, September 9 - 13, 2002 and October 21, 2003, as well as an inspection by the United States Environmental Protection Agency (EPA), Region 6 on January 9, 2002 additional violations were found by the Department as follows:

A. On or about December 6, 2000, an inspection conducted by Surveillance Division personnel revealed the following violations according to the Department:

1. The Respondent failed to design and construct a completely enclosed containment building, in violation of LAC 33:V.4701.A.1. Specifically, the containment building walls were six feet high and the roof was approximately twenty feet high.
2. The Respondent failed to inspect all hazardous waste containers as a result of managing the containers such that the narrow aisle space caused labels to be

inaccessible during inspections, in violation of LAC 33:V.4317.B.3.

B. On or about November 27, 2001, an inspection conducted by Surveillance Division personnel revealed the following violations according to the Department:

1. The Respondent stored hazardous waste on-site for greater than one (1) year, in violation of LAC 33:V.2205.B.
2. The Respondent failed to properly label approximately two hundred (200) hazardous waste containers of hydro-desulfurization catalyst, in violation of LAC 33:V.2205.A.2.
3. The Respondent failed to maintain the level of stored hazardous waste within the containment wall of a containment building so that the height of any containment wall is not exceeded, in violation of LAC 33:V.4703.C.1.b.
4. The Respondent failed to design and construct a completely enclosed containment building, in violation of LAC 33:V.4701.A.1. Specifically, the containment building walls were six feet high and the roof was approximately twenty feet high.

C. On or about January 9, 2002, an inspection conducted by EPA Region 6 personnel revealed the following violations, according to the Department:

1. The Respondent stored hazardous waste on-site for greater than one (1) year, in violation of LAC 33:V.2205.B.
2. The Respondent failed to design and construct a completely enclosed containment building, in violation of LAC 33:V.4701.A.1. Specifically, the containment building walls were six feet high and the roof was approximately twenty feet high.

3. The Respondent failed to maintain the level of stored hazardous waste within the containment wall of a containment building so that the height of any containment wall is not exceeded, in violation of LAC 33:V.4703.C.1.b.
4. The Respondent failed to manage hazardous waste containers in a manner that prevented leaks as specified in LAC 33:V.2107.B, in violation of LAC 33:V.4423. Specifically, there was a dusting of spent catalyst on the floor of a container storage area and a puddle of oil along the wall of another container storage area.

D. On or about September 9 - 13, 2002, an inspection conducted by Surveillance Division personnel revealed the following violations according to the Department:

1. The Respondent failed to maintain records of annual inventory of all sealed sources showing the date of inventory and the name of the individual performing the inventory, in violation of LAC 33:XV.104.B.
2. The Respondent failed to post a radiation area with a conspicuous sign bearing the radiation symbol and the words "CAUTION, RADIATION AREA," in violation of LAC 33:XV.451.A.
3. The Respondent failed to post each area or room in which there is used or stored an amount of licensed or registered source of radiation exceeding ten (10) times the quantity of such source of radiation specified in Appendix C of Chapter 4 of LAC 33:XV with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL(S)" or "DANGER, RADIOACTIVE MATERIAL(S)," in violation of LAC 33:XV.451.E.
4. The Respondent failed to post documents, notices, or forms pursuant to LAC

33:XV.1011 in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, in violation LAC 33:XV.1011.E. Specifically, the DRC-3 “Notice to Employees” required by LAC 33:XV.1011.C was not in place.

5. The Respondent failed to have records of maintenance inspections for baghouses on site and available for inspection, in violation of Specific Condition No. 1 of Air Quality Permit No. 2560-00065-00 and LAC 33:III.501.C.4.
6. The Respondent failed to submit a timely and complete permit application, in violation of LAC 33:III.501.C.1. Specifically, the EIQ sheets need to be revised to indicate the control equipment code and efficiency code.
7. The Respondent handled containers holding hazardous waste in a manner that caused them to leak, in violation of LAC 33:V.4423.A. Specifically, multiple containers labeled hazardous waste had holes in them after being punctured by a forklift.
8. The Respondent stored hazardous waste in containers in poor condition, in violation of LAC 33:V.4419.A. Specifically, punctured containers and containers corroded to a point of being structurally unsound were used to store hazardous waste.
9. The Respondent failed to notify the Office of Environmental Services in writing at least four (4) weeks in advance of the receipt of hazardous waste from a foreign source as specified in LAC 33:V.1531, in violation of LAC 33:V.4311.A. Specifically, hazardous waste was imported from February 1, 2002, through June 30, 2002, under an expired Notification of Intent to Import Hazardous Waste.

10. The Respondent failed to maintain the level of stored hazardous waste within the containment wall of a containment building so that the height of any containment wall is not exceeded, in violation of LAC 33:V.4703.C.1.b.
11. The Respondent failed to design and construct a completely enclosed containment building, in violation of LAC 33:V.4701.A.1. Specifically, the containment building walls were six feet high and the roof was approximately twenty feet high.
12. The Respondent stored hazardous waste on-site for greater than one (1) year, in violation of LAC 33:V.2205.B.
13. The Respondent failed to document spills in the container storage areas and remedy the deterioration to the containers, in violation of LAC 33:V.4317.C.

E. On or about October 21, 2003, an inspection conducted by Surveillance Division personnel revealed the following violations according to the Department:

1. The Respondent stored hazardous waste on-site for greater than one (1) year, in violation of LAC 33:V.2205.B.
2. The Respondent failed to maintain the level of stored hazardous waste within the containment wall of a containment building so that the height of any containment wall is not exceeded, in violation of LAC 33:V.4703.C.1.b.
3. Respondent failed to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency as specified by LAC 33:V.1511.F, in violation of LAC 33:V.4333.
4. The Respondent stored hazardous waste in containers in poor condition, in violation

of LAC 33:V.4419.A. Specifically, three hundred fourteen (314) containers, breached or corroded to a point of being structurally unsound, were used to store hazardous waste.

5. The Respondent failed to maintain hazardous waste containers closed except when adding or removing waste, in violation of LAC 33:V.4423.A and LAC 33:V.1109.E.1.a.i. Specifically, approximately forty-three (43) containers were missing lids or had lids damaged to the point of visible openings between the lid and the container.
6. The Respondent failed to label two (2) flip top hoppers in container storage area #1 with the date accumulation began, in violation of LAC 33:V.1109.E.1.c.
7. The Respondent failed to label or properly label approximately forty-five (45) containers of hazardous waste, in violation of LAC 33:V.2205.A.2.
8. The Respondent failed to clean up spilled hazardous waste that had leaked from the container onto the soil outside of the secondary containment area, in violation of LAC 33:V.4225.A.
9. The Respondent failed to record on inspection logs the types of problems and/or the number of problems discovered during inspections, in violation of LAC 33:V.4317.B.2
10. The Respondent failed to remedy the deterioration of the containers or remediate problems identified during inspections, in violation of LAC 33:V.4317.C.

11. The Respondent failed to provide required information on the inspection logs for the container storage areas, in violation of LAC 33:V.4317.D. Specifically, the inspection logs did not contain the date and nature of remedial actions.
12. The Respondent failed to design and construct a completely enclosed containment building, in violation of LAC 33:V.4701.A.1. Specifically, the containment building walls were six feet high and the roof was approximately twenty feet high.
13. The Respondent failed to repair cracks in the containment walls in containment building #1 (CB-1), as required by LAC 33:V.4703.C.1.a. Since this inspection, the Respondent has had the walls evaluated by an independent engineer whose recommendations will be followed.
14. The Respondent failed to prevent or clean up oil seepage at the base of the walls in CB-1, in violation of LAC 33:V.4703.C.3.
15. The Respondent failed to submit to the Department a written verification that repairs to the containment building ramp were completed, in violation of LAC 33:V.4703.C.3.c.

V.

As a result of meetings and actions taken in response to the cited violations, the Department and the Respondent now agree as follows:

- A. As set forth in the September 4, 2001, letter from CS Metals to Linda Levy, Assistant Secretary of the Office of Environmental Compliance, the required installation of the liner in Containment Building CB-1 so that hazardous waste is managed in accordance with LAC 33:V.4703.C.1.a has been completed. As noted in the August 21, 2003 letter from CS Metals to

Linda Levy, the installed liner has been modified to accommodate the storage of certain material; however, such modification does not prevent the management of hazardous material in Containment Building CB-1 in accordance with LAC 33:V.4703.C.1.a.

B. CS Metals shall institute procedures to ensure that adequate aisle space is maintained in the container storage area to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.

C. As set forth in the July 1, 2002 letter from Steve Gilrein, EPA Region 6 Associate Director for RCRA, to R. Bruce Hammatt, Assistant Secretary of the Office of Environmental Compliance, EPA approved the preliminary proposal for a modification to Containment Building CB-1 to ensure it meets the “enclosed structure” requirements of the hazardous waste regulations, LAC 33:V.

D. Subsequent to the Department’s receipt of Mr. Gilrein’s letter, CS Metals provided the Department a conceptual design for the required modifications to Containment Building CB-1 to ensure it meets the relevant “enclosed structure” requirements, and the Department approved such conceptual design.

E. By letter dated February 21, 2003, from CS Metals to R. Bruce Hammatt, CS Metals submitted to the Department the detailed engineering plans for the required modification to Containment Building CB-1 to ensure it meets the relevant “enclosed structure” requirements, along with various drawings and a project schedule.

F. As set forth in the May 19, 2003, letter from R. Bruce Hammatt to CS Metals, the Department approved the detailed engineering plans, drawings, and project schedule for the

required modification to Containment Building CB-1 to ensure it meets the relevant “enclosed structure” requirements and notified CS Metals that installation should begin immediately.

G. Upon receipt of the May 19, 2003, letter from Assistant Secretary Hammatt, CS Metals initiated the required modification to Containment Building CB-1 pursuant to the approved engineering plans, drawings, and project schedule. By December 31, 2003, CS Metals completed the required modification to Containment Building CB-1 pursuant to the approved engineering plans and drawings, except for the door on the north end of the building, which was redesigned and was completed and installed by July 3, 2004. CS Metals shall install a fixed barrier system around the newly installed door to provide a barrier for storage of hazardous waste. Any hazardous waste on the floor of the containment building inside this barrier will be considered a violation. Once the barrier system is in place, if operations of the area show that hazardous waste is tracked outside of the building, CS Metals shall contact the Department within fourteen (14) days and propose changes to the barrier system that will ensure that hazardous waste is not tracked outside of the building by equipment or personnel.

H. Upon completion of the required modification to Containment Building CB-1 pursuant to the approved engineering plans and drawings, including the completion and installation of all doors--and/or as otherwise agreed in writing by the Department and CS Metals--Containment Building CB-1 shall be deemed to meet the relevant “enclosed structure” requirements of the hazardous waste regulations, LAC 33:V, including the requirements of LAC 33:V.4701A.1, 4703.A.1, 1801.A.1, and 1802.A.1.

I. Bulk material may be stacked in Containment Building CB-1 higher than the external walls, as long as the bulk material in contact with the external walls is not stacked more than five feet high (which is one foot lower than the original, external concrete containment walls of Containment Building CB-1). Any bulk material which is in contact with an external containment wall and is stacked more than five feet high will be considered out of compliance with the requirements of LAC 33:V.4703.C.1.b (and ultimately, LAC 33:V.1802.C.1.b). However, bulk material which is not in contact with an external containment wall will not be considered out of compliance with the requirements of LAC 33:V.4703.C.1.b (and ultimately, LAC 33:V.1802.C.1.b) even if stacked more than five feet high. No bulk material may be stacked within Containment Building CB-1 in such a manner as to allow sloughing of hazardous waste over an external containment wall.

J. CS Metals shall process material received as bulk at the Facility in such a fashion that by September 30, 2004, no material received as bulk at the Facility will have been stored on-site in excess of one year. To the extent necessary to achieve this requirement, CS Metals will send material off-site for processing or disposal. After September 30, 2004, no material received as bulk shall be stored at the Facility in excess of one year.

K. Except to the extent otherwise agreed in writing by the Department and CS Metals, CS Metals shall process material received in containers at the Facility in such a fashion that by June 30, 2005, no material received in containers at the Facility will have been stored on-site in excess of one year. To the extent necessary to achieve this requirement, CS Metals will send material off-site for processing or disposal. Except to the extent otherwise agreed in writing by the Department

and CS Metals, after June 30, 2005, no material received in containers shall be stored at the Facility in excess of one year.

L. Following completion of the processing/disposal of that material stored at the Facility in excess of one year pursuant to Sections V.J and K, the following protocol shall be used by CS Metals to ensure that no material is stored on-site in excess of one year:

1. **Bulk material:** Except to the extent otherwise agreed in writing by the Department and CS Metals, bulk material generally will be processed on a first-in, first-out basis. CS Metals shall (a) use an appropriate tracking system, and (b) store bulk material within Containment Building CB-1 in such a fashion as to ensure that no bulk material is stored on-site at the Facility in excess of one year.
2. **Containerized material:** Except to the extent otherwise agreed in writing by the Department and CS Metals, containerized material generally will be processed on a first-in, first-out basis. CS Metals shall (a) use an appropriate tracking system, and (b) store containerized material within the container storage area in such a fashion as to ensure that no containerized material is stored on-site at the Facility in excess of one year. The tracking system shall be of a nature to allow Department inspectors to readily determine the storage time of each container on-site.

M. Commencing December 1, 2004, CS Metals shall submit semiannual progress reports to the Department, describing the progress of CS Metals' efforts pursuant to Sections V. G, J, and K. CS Metals shall provide such progress reports until the modification to Containment Building CB-1 and the processing/disposal of that material stored at the Facility in excess of one-year has been completed to the reasonable satisfaction of the Department.

VI.

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWO HUNDRED TWENTY-SEVEN THOUSAND AND NO/100 DOLLARS (\$227,000.00), of which Six Thousand Five Hundred Fifty-Seven and No/100 Dollars (\$6,557.00) represents DEQ's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to DEQ as described above shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VII.

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

VIII.

Respondent further agrees that the Department may consider the inspection report(s), WE-CN-03-0319, WE-CN-03-0319A&B, RMPE-CN-01-0007, HE-O-00-0653, HE-PP-03-0099 and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department affecting Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

IX.

This agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby

waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action to enforce this agreement.

X.

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act.

XI.

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. James Parish. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XII.

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Penalties are to be made payable to the Department of Environmental Quality and mailed to the attention of Darryl Serio, Office of Management and Finance, Financial Services

Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana,
70821-4303.

XIII.

In consideration of the above, any claims for penalties are hereby compromised and settled
in accordance with the terms of this Settlement.

XIV.

Each undersigned representative of the parties certifies that he or she is fully authorized to
execute this Settlement Agreement on behalf of his/her respective party and to legally bind such
party to its terms and conditions.

CS METALS OF LOUISIANA, LLC

BY: 

(Signature)

P. S. SACKETT

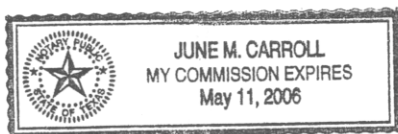
(Printed or Typed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 24th day of
August, 2004, at Houston, Texas.


NOTARY PUBLIC (ID # _____)

JUNE M. CARROLL
Printed or Typed)



STATE OF LOUISIANA
Mike D. McDaniel, PhD. Secretary
Department of Environmental Quality

BY: Harold Leggett
Harold Leggett, PhD. Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 3rd day of
September, 20 04, at Baton Rouge, Louisiana.

G. Allen Kirkpatrick
NOTARY PUBLIC (ID # 21673)

G. Allen Kirkpatrick
(Printed or Typed)

Approved: Harold Leggett
Harold Leggett, PhD. Assistant Secretary

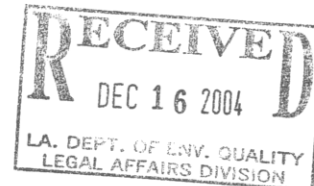


CHARLES C. FOTI, JR.
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

December 13, 2004

Mr. Louis E. Buatt, General Counsel
La. Department of Environmental Quality
Legal Affairs Division
P.O. Box 4302
Baton Rouge, LA 70821-4302



Re: AG Review of DEQ Settlement;
CS Metals of Louisiana, LLC
WE-CN-03-0319; WE-CN-03-0319A & B; RMPE-CN-01-0007;
HE-O-00-0653; and HE-PP-03-0099

Dear Mr. Buatt:

Pursuant to the authority granted to me by Art. IV, Sec. 8 of the state constitution and R.S. 30:2050.7(E)(2)(a), I approve the above referenced settlement.

Sincerely,

By: 
CHARLES C. FOTI, JR.
Attorney General

CCF/mlc